

d. The Notice Administrator and Program Administrator are to file declarations with the Court concerning completion of the Notice Plan and other terms of the Settlement by April 21, 2017 (see id.); and

e. The Program Administrator is to file with the Court the Opt-Out List with an affidavit attesting to the completeness and accuracy thereof by April 21, 2017 (see id. ¶ 27).

The Preliminary Approval Order further set a Fairness Hearing for May 5, 2017 at 10:00 a.m. See Preliminary Approval Order (Dkt. #278) ¶ 41.

2. As set forth in the Parties' prior status reports on Notice, significant progress has been made towards completing the Notice Plan. See Status Report on Notice (Dkt. #301); Status Report on Notice (Dkt. #326); Notice of Filing of Administrative Declaration (Dkt. #329-1); see also Resp. to Order Requesting Supplemental Status Report (Dkt. #365).

3. At a November 30, 2016 status conference, the Court approved Class Counsel's issuance of subpoenas to NCAA member institutions that had not provided the Notice Administrator with Settlement Class Member contact information. In December 2016 and January 2017, Class Counsel served 385 subpoenas on member institutions.

4. Beginning on January 9, 2017, direct notice was mailed to approximately 2,177,545 physical addresses and sent to approximately 997,906 email addresses. See Second Decl. of Rachel Christman (Dkt. #329-1) ¶ 4. Since sending the first round of direct notice, the Notice Administrator has continued to receive data from NCAA member institutions that were served subpoenas.

5. As of March 6, 2017, approximately 1,043 NCAA member institutions have provided student-athlete contact information to the Notice Administrator, with a total of approximately 4,003,941 records uploaded.

6. As of March 6, 2017, however, approximately seventy-eight (78) NCAA member institutions had not provided Settlement Class Member contact information.

7. The Notice Administrator will send a second and final round of direct notice but before it does, the Parties believe it would be to the benefit of the Settlement Class to contact those institutions that have not yet responded to the subpoenas Class Counsel served and urge them to provide contact information to the Notice Administrator, so as to provide direct notice to as many Settlement Class Members as possible.

8. In order to maximize direct notice to the Settlement Class, the Parties propose that they contact NCAA member institutions that have not yet provided student-athlete contact information. Those member institutions would be told to provide student-athlete contact information no later than March 24, 2017.

9. The Notice Administrator would then send the second round of direct notice by April 14, 2017.

10. Based on the timing of the second round of direct notice, the Parties recommend that the deadlines set forth in the Court's July 15, 2016 Preliminary Approval Order be revised as follows:

- a. The deadline for Settlement Class Members to object or opt out of the Settlement would be May 5, 2017;

b. The Notice Administrator would file with the Court the Opt-Out List with an affidavit attesting to the completeness and accuracy thereof by May 19, 2017;²

c. The Notice Administrator and Program Administrator would file declarations with the Court concerning implementation of the Notice Plan and other terms of the Settlement by May 19, 2017;

d. The Motion for Final Approval of the Settlement, including responses to any objections, would be filed by May 26, 2017; and

e. The Fairness Hearing would be held on or after June 29, 2017.

11. Settlement Class Members would be notified of the revised deadlines in the following ways:

a. The revised dates would be posted on the Settlement Website and would be included in the second round of direct notice. These efforts would cost an additional amount of approximately \$200.

b. The Notice Administrator would directly notify Settlement Class Members of the revised dates via email. This undertaking is expected to cost an additional amount of approximately \$15,000.

c. Class Counsel would issue a press release announcing the revised dates.

12. In addition to the above deadlines, the deadline to respond or object to fee petitions is currently set for March 10, 2017. See Order (Dkt. #337). In setting that deadline, the

² The July 15, 2016 Preliminary Approval Order provides that the Program Administrator is to file the Opt-Out List and accompanying affidavit. See Preliminary Approval Order (Dkt. #278) ¶ 27. The Notice Administrator has been processing opt-out requests and will file the Opt-Out List and accompanying affidavit.

Court ordered that responses and objections to fee petitions “should be filed by the date that class member objections” are due. See id.

13. The Parties respectfully request that the deadline to file responses or objections to fee petitions be reset to May 5, 2017, so as to remain coincident with the deadline for Settlement Class Members to object to or opt out of the Settlement.

WHEREFORE, Plaintiffs and the NCAA jointly and respectfully request a modest extension of the deadlines set forth in the Court’s July 15, 2016 Preliminary Approval Order so that final efforts can be made to obtain as much Settlement Class Member contact information as possible and, in turn, to maximize direct notice to the Settlement Class. The Parties further request that the deadline to file responses or objections to fee petitions be reset to coincide with the new deadline for Settlement Class Members to object to or opt out of the Settlement. The Parties further request whatever other relief the Court deems appropriate.

Dated: March 7, 2017

Respectfully submitted,

By: /s/ Steve W. Berman (w/ consent)
Settlement Class Counsel

By: /s/ Mark S. Mester
Lead Counsel for Defendant
National Collegiate Athletic Association

Steve W. Berman
steve@hbsslw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, Washington 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Mark S. Mester
mark.mester@lw.com
Johanna M. Spellman
johanna.spellman@lw.com
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60651
Telephone: (312) 876-7700
Facsimile: (312) 993-9767

Elizabeth A. Fegan
beth@hbsslw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
455 North Cityfront Plaza Drive, Suite 2410
Chicago, Illinois 60611
Telephone: (708) 628-4949
Facsimile: (708) 628-4950

CERTIFICATE OF SERVICE

I, Mark S. Mester, certify that on March 7, 2017, a true and correct copy of the forgoing JOINT MOTION FOR AN EXTENSION OF TIME was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

/s/ Mark S. Mester

Mark S. Mester

mark.mester@lw.com

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800

Chicago, Illinois, 60611

Telephone: (312) 876-7700

Facsimile: (312) 993-9767